

REMARKS

Request for Reconsideration & Claims Pending

The application stands subject to a final Office action mailed on 18 June 2009. Reconsideration of the claimed invention in view of the amendments above and the discussion below is respectfully requested.

Applicants hereby request continued prosecution of the subject application. The fee has been paid herewith.

The specification has been amended grammatically and idiomatically. A substitute specification and a marked-up copy thereof are attached.

Claims 3, 6-8, 12-15 and 18-19 are canceled. Claim 20 is new.

Claims 1-2, 4-5, 8-11 and 13-17 and 20 are pending.

Arguments re: Tanaka, Levitan & Jennings

Rejection Summary

Claim 13 stands rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,671,509 (Tanaka) in view of U.S. Patent No. 6,965,913 (Levitan) and U.S. Publication No. 2002/0099842 (Jennings).

The Examiner concedes that the combination of Tanaka and Levitan fails to disclose "...prioritizing the transmission of software filed that generates greater amounts of revenue relative to the transmission of software

files that generate lesser amounts of revenue" but relies upon Jennings to compensate for the admitted deficiency.

Discussion of Claim 9

Claim 9 was amended to include limitations of Claim 13. Tanaka, Levitan and Jennings fail to suggest a

... radio communication network software downloading method, comprising:

transmitting software content from a radio communication network to a plurality of terminals in the network on a shared communication channel received by the plurality of terminals,

the software content comprises a plurality of software files multiplexed on the shared communication channel; and

prioritizing the transmission of software files that generate greater amounts of revenue relative to the transmission of software files that generate lesser amounts of revenue.

The Examiner's reliance on Jennings to meet the admitted deficiencies of Tanaka and Levitan is erroneous. At paragraph [0298] Jennings describes a media order reservation table 1202 as being used to access information identifying one or more reservations for presentation, and to identify terminating network points for streams originating from other networks. In Jennings, the reservation table 1202 contains order and reservation information generated during the media reservations process wherein the order information includes the order ID, order type, and order line, which references a program or media for a particular order. At paragraph [300], Jennings describes order lines 1210-1212 of the media reservation table 1202 wherein each order line is associated with media streamed to a viewer. According to Jennings, presentations that generate more

revenue receive priority during the order table processing. However, the prioritizing of order processing in Jennings is not the same as and does not suggest "... prioritizing the transmission of software files that generate greater amounts of revenue relative to the transmission of software files that generate lesser amounts of revenue" as recited in amended Claim 9. Thus the combination of Tanaka, Levitan and Jennings fails to meet all of the limitations of Claim 9.

Discussion of Claim 1

Claim 1 has been amended to recite dynamically adjusting the plurality of different software content multiplexed on the shared communication channel by prioritizing software content that generates greater amounts of revenue relative to software content that generates lesser amounts of revenue. Tanaka, Levitan and Jennings fail to suggest a

... radio communication network software downloading method, comprising:

sending, from the network, a message to a plurality of terminals on corresponding dedicated communication channels to receive software content on a shared channel;

transmitting the software content from the network to the plurality of terminals on the shared communication channel after sending the message,

the software content comprises a plurality of different software content, the plurality of different software content multiplexed on the shared communication channel;

dynamically adjusting the plurality of different software content multiplexed on the shared communication channel by prioritizing software content that generates greater amounts of revenue relative to software content that generates lesser amounts of revenue.

At paragraph [0298] Jennings describes a media order reservation table 1202 as being used to access information identifying one or more reservations for presentation, and to identify terminating network points for streams originating from other networks. In Jennings, the reservation table 1202 contains order and reservation information generated during the media reservations process wherein the order information includes the order ID, order type, and order line, which references a program or media for a particular order. At paragraph [300], Jennings describes order lines 1210-1212 of the media reservation table 1202 wherein each order line is associated with media streamed to a viewer. According to Jennings, presentations that generate more revenue receive priority during the order table processing. However, the prioritizing of order processing in Jennings is not the same as and does not suggest "...dynamically adjusting the plurality of different software content multiplexed on the shared communication channel by prioritizing software content that generates greater amounts of revenue relative to software content that generates lesser amounts of revenue" as recited in amended Claim 1. Thus the combination of Tanaka, Levitan and Jennings fails to meet all of the limitations of Claim 1.

Arguments re: Tanaka & Levitan

Rejection Summary

Claims 9-11 and 15 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,671,509 (Tanaka) and Levitan.

The Examiner admits that Tanaka fails to disclose software content comprising a plurality of files, and dynamically adjusting the software

content multiplexed on the shared communication channel by adjusting a number of times each of the plurality of files is transmitted.

Discussion of Claim 20

New Claim 20 includes limitations of Claim 15, which has been canceled. Tanaka and Levitan fail to suggest a

... radio communication network software downloading method, comprising:
transmitting software content from a radio communication network to a plurality of terminals in the network on a shared communication channel received by the plurality of terminals,
the software content comprises a plurality of software files multiplexed on the shared communication channel;
dynamically adjusting the plurality of software files multiplexed on the shared communication channel based upon file size.

The prior rejection of Claim 15, which forms the basis for new Claim 20, was that the Levitan disclosed adjusting a number of times each of the plurality of files is transmitted. In the previous rejection, the Examiner however did not give consideration to the limitation drawn to dynamically adjusting the plurality of software files multiplexed on the shared communication channel "based upon file size". Neither Tanaka nor Levitan suggest the limitations of new Claim 20 and more particularly "... dynamically adjusting the plurality of software files multiplexed on the shared communication channel based upon file size." Claim 20 is thus patentably distinguished over the art.

RIORDAN ET AL.
"Software Content Downloading Methods
in radio Communication Networks"
Atty. Docket No. CS11457

Appl. No. 10/083,876
Confirm. No. 4745
Examiner O. Duong
Art Unit 2455

Prayer For Relief

In view of the amendments and the discussion above, the Claims of the present application are in condition for allowance. Kindly withdraw any rejections and objections and allow this application to issue as a United States Patent without further delay.

Respectfully submitted,

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